

FILED

MAR 31 2020

AO 470 (12/03) Order of Temporary Detention

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

USA

vs.

(1) Cody Donovan Smith  
*Defendant*

§ **ORDER OF TEMPORARY DETENTION**  
§ **PENDING HEARING PURSUANT TO**  
§ **BAIL REFORM ACT**  
§  
§ Case Number: SA:20-M -00487(1)

Upon Motion of the GOVERNMENT, it is ORDERED that a

**IDENTITY/DETENTION HEARING**

is set for April 07, 2020 \* at 09:30 AM  
*Date* *Time*

before U.S. MAGISTRATE JUDGE Richard B. Farrer  
in the Courtroom A, on the 4th Floor in the John H. Wood, Jr. United States Courthouse, 655  
East Cesar E. Chavez Boulevard, San Antonio, TX  
*Location of Judicial Officer*

Pending this hearing, the defendant shall be held in custody by (the United States Marshal)

( \_\_\_\_\_ )

and produced for the hearing.

March 31, 2020  
*Date*

[Signature]  
HENRY J. BEMPORAD  
UNITED STATES MAGISTRATE JUDGE

\* If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or attempt to threaten, injure, or intimidate a prospective witness or juror.

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

USA	§	<b>WAIVER OF RULE 5 &amp; 5.1 HEARINGS</b>
	§	<b>(Excluding Probation Cases)</b>
vs.	§	
	§	Case Number: SA:20-M -00487(1) .
(1) Cody Donovan Smith	§	
<i>Defendant</i>	§	REF: 1:20-CR-45

I, (1) Cody Donovan Smith understand that in the  
District of Wyoming charges are pending  
alleging violation of 18 USC 1201; 18 USC 2244

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and that I have been arrested in this district and taken before a United States Magistrate, who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel; (2) an identity hearing to determine whether I am the person named in the charge(s); (3) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; (4) request transfer of the proceedings to this district under Federal Rule of Criminal Procedure 20, in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

( ) Identity Hearing.

( ) Preliminary Hearing.

( ) Identity Hearing and I have been informed I have no right to a preliminary examination.

( ) Identity Hearing but request a preliminary hearing be held in the prosecuting district and therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

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(1) Cody Donovan Smith, *Defendant*

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*Date*

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*Counsel for Defendant*

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

USA	§	
	§	
vs.	§	NO: SA:20-M -00487(1)
	§	
(1) Cody Donovan Smith	§	

**WAIVER OF DETENTION HEARING**

At the initial appearance, the government requested that I be detained without bond pending trial pursuant to Title 18 U.S.C. Section 3142(f).

I am aware of my right to a detention hearing and to require the government to meet its burden of proving that no conditions of release exist which will reasonably assure my appearance in court and the safety of the community. I know that if I waive my detention hearing, I will remain in custody pending trial. By signing this Waiver of Detention Hearing I acknowledge that I have no questions and understand my rights and the consequences of waiving those rights, and agree to be detained without bond pending trial.

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**Date**

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**Defendant**

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**Name of Attorney for Defendant (Print)**

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**Date**

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**Signature of Attorney for Defendant**